

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT GENE REGA (son), and)	
JOAN MARY REGA (mother),)	2:16cv1779
)	Electronic Filing
Plaintiffs,)	
)	Judge David Stewart Cercone
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
SOUTHWESTERN AREA AGENCY)	
ON AGING, <i>et al.</i> ,)	ECF No. 14
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiffs commenced this civil action by filing Motions for Leave to Proceed *In Forma Pauperis* which were received by the Clerk of Court on November 28, 2016. This case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. The Magistrate Judge denied Plaintiff Robert Rega's motion for leave to proceed IFP and he was terminated from the case. The Court granted Plaintiff Joan Mary Rega's motion for leave to proceed IFP and the Clerk then filed the Complaint on December 16, 2016.

The Magistrate Judge stayed this case on December 20, 2016, pending concurrent court proceedings in the Court of Common Pleas of Greene County, Pennsylvania, to determine Plaintiff Joan Mary Rega's competency and whether a guardian ad litem would need to be appointed on her behalf. See Remark dated 12/20/16, ECF Nos. 11 & 12. On March 2, 2017, the Magistrate Judge was notified that

Ms. Rega was found to be a capacitated person, see ECF No. 12, and entered an order on March 3, 2017 directing Ms. Rega to advise the Court no later than March 30, 2017, whether she intended to proceed with this lawsuit. The order further informed Ms. Rega that if she failed to respond to this order, the Magistrate Judge would issue a report and recommendation recommending that this matter be dismissed for failure to prosecute. Plaintiff Joan Mary Rega did not file any response to the Magistrate Judge's March 3, 2017 Order.

On July 6, 2017, the Magistrate Judge issued her Report and Recommendation (ECF No. 14) recommending that this civil action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for Plaintiff Joan Mary Rega's failure to prosecute. Service of the Report and Recommendation was made on Plaintiff Joan Mary Rega at her address of record, 408 Mountainview Drive, Waynesburg, PA 15370, via U.S. First Class mail. Plaintiff Joan Mary Rega was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that she had fourteen (14) days to file any objections. To date, Plaintiff Joan Mary Rega has not filed any objections to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 9th day of August, 2017,

IT IS HEREBY ORDERED that this civil action is **DISMISSED WITH PREJUDICE** for failure to prosecute.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 14) of Magistrate Judge Lenihan dated July 6, 2017, is adopted as the opinion of the Court.

The Clerk of Court is directed to mark this case CLOSED.

A handwritten signature in black ink, appearing to read 'D. Cercone', with a horizontal line underneath.

David Stewart Cercone
United States District Judge

cc: Joan Mary Rega
408 Mountainview Drive
Waynesburg, PA 15370

(Via First Class Mail)